

Montgomery Restricts The Height Of Housing

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The Montgomery County Council brushed aside a vigorous lobbying campaign by builders and voted 8 to 1 yesterday to place new limits on the height of single-family houses in the county's older neighborhoods.

The measure, which covers building permits issued after Oct. 11, changes the way height is measured and eliminates a loophole that has allowed some builders to construct homes exceeding the current limit of 35 feet, as measured from the middle of the street.

The only dissenting vote was from council member Steven A. Silverman (D-At Large), who chairs a council committee that spent two years considering the bill before approving a version last week.

Silverman has enjoyed heavy support from developers and builders and has amassed a substantial campaign treasury for his expected run for next year's Democratic nomination for county executive. The bill's sponsor, council member Howard A. Denis (R-Potomac-Bethesda), also

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has received a substantial chunk of his campaign funds from development interests.

Silverman said he opposed the measure because it went too far.

"It is overly broad," he said. "Most homeowners in Montgomery County are clueless about what we are doing. This legislation was . . . to deal with a problem that exists in a narrow section of Montgomery County." Silverman was referring to Bethesda and Chevy Chase, where height has been an issue for several years.

"I don't think at the end of the day 30 feet, 32 feet or 35 feet is going to make much difference," he said.

Denis said he was delighted by the result, which he said would begin to address a problem he believes is widespread, not limited

to his district.

"This has been a festering problem for a decade," Denis said.

Under the new rules, height will be measured from the front of a house rather than from the street. Houses will be limited to 30 feet from the front to the midpoint of the roof, or 35 feet to the peak.

The bill also eliminates the "terrace exception," which some residents say has been used to build taller houses. County regulations had allowed builders to measure a house from a higher point on the property if it is terraced.

Larry Cafritz, a Bethesda builder who has acknowledged distributing an anonymous flier this fall suggesting that the council might be trying to take away homeowners' property rights, said the new regulation could cause builders to lower popular nine- and 10-foot ceilings.

But he said it also brought some clarity to a complicated area of local law.

"It will solve a problem in certain areas," he said.

Cafritz said a house that measures 30 feet to the midpoint of the roof actually could be taller, depending on the roof style. Builders had complained that Denis's original proposal, which would have restricted heights to 30 feet at the peak of the roof, would have limited home design to flat roofs. He agreed yesterday to tweak the measure.

The bill was approved after some complicated parliamentary maneuvers. Denis, worried that Silverman's committee had weakened the measure last week, reintroduced his original bill with a few changes. The council eventually approved it, scuttling a substantial chunk of a version of the

bill developed in Silverman's committee.

Yesterday's debate consumed the council for almost four hours and was watched closely by several builders and residents in the audience. It centered often on technical points, including efforts by builders to pile up dirt to make homes taller than their neighbors, and featured a slide show by Denis that depicted several houses in Bethesda that appeared to tower over their more modest neighbors.

The measure will not affect construction in Rockville or Gaithersburg, incorporated cities with their own zoning rules. It also will not have an impact on many new housing developments in Montgomery County for which height regulations have been set by site plans approved by the county's planning department.